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Lyon & Lyon LLP
246/173**UTILITY DECLARATION
AND POWER OF ATTORNEY**
Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR VOICE TRANSMISSION OVER NETWORK PROTOCOLS** the specification of which was filed on November 5, 1999 as United States Application Serial No. 09/434,619.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|--|---------|----------------|------------------|----|
| | | | Yes | No |
| | | | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|-----------------------------------|-------------------|--------------------|---|
| | | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified invention application, all of the registered practioners identified by:



Customer Number 22249

place customer number and code label here

LYON & LYON LLP
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633 W. Fifth Street
Los Angeles, CA 90071

Please address all correspondence to the attention of **Keith Kind**, at the above-identified Customer Number, and direct all telephone calls to **(858) 552-8400**, extension **5503**.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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|--|-------------------------|----------------------|--|-------------------------|--------------------------------|
| 201 | FULL NAME OF INVENTOR | FIRST Name Andrew | MIDDLE Initial W. | LAST Name Scherpbier | |
| | RESIDENCE & CITIZENSHIP | City San Diego | State or Foreign Country California | | Country of Citizenship U.S. |
| | POST OFFICE ADDRESS | 11430 Eastview Court | City San Diego | State or Country CA | Zip Code 92131 |
| INVENTOR'S SIGNATURE <u>Andrew</u> DATE <u>1/10/2000</u> | | | | | |

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|--|-------------------------|--------------------|--|------------------------|--------------------------------|
| 202 | FULL NAME OF INVENTOR | FIRST Name Mark | MIDDLE Initial Randle | LAST Name Boyns | |
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| | POST OFFICE ADDRESS | 3154 Via Viejas | City Alpine | State or Country CA | Zip Code 91901 |
| INVENTOR'S SIGNATURE <u>Mark</u> DATE <u>1/10/2000</u> | | | | | |

Applicant or Patentee: Mark R. Boyns and Andrew W. Scherpbier
Filed: November 5, 1999
For: SYSTEM AND METHOD FOR VOICE TRANSMISSION OVER NETWORK PROTOCOLS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN



I hereby declare that I am:

 the owner of the small business concern identified below:
 X an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CONTIGO SOFTWARE, INC.
ADDRESS OF CONCERN: 11512 El Camino Real, Suite 360
San Diego, California 92130

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled SYSTEM AND METHOD FOR VOICE TRANSMISSION OVER NETWORK PROTOCOLS, by inventors Mark R. Boyns and Andrew W. Scherpbier described in

 X the application serial no. 09/434,619, filed November 5, 1999.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

NAME: _____
ADDRESS: _____

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Scott Neill
TITLE OF PERSON IN ORGANIZATION: CFO
ADDRESS OF PERSON SIGNING: 11512 El Camino Real, Suite 360
San Diego, CA 92130

Signature Scott Neill Date 1/20/00